

**Applicant:** Giant Industries Arizona Inc.

**Agent:** Nino Trujillo

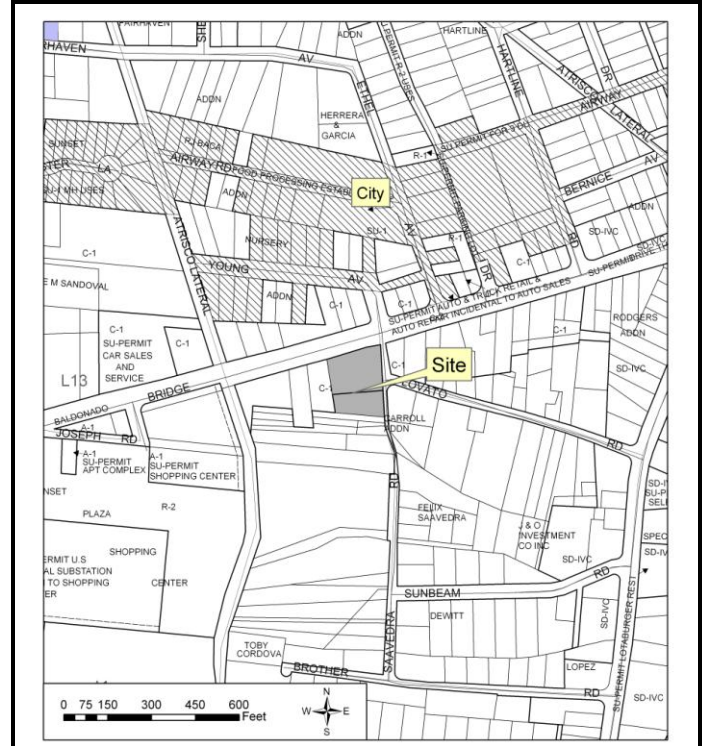
**Location:** 191 Saavedra Road SW

**Property Size:** .87 acres (approximately)

**Existing Zone:** R-1/C-1

**Proposed Request:** Special Use Permit for Specific Use for Retail Sales

**Recommendation:** Deferral



**Summary:** The applicant is requesting a Special Use Permit for Retail Uses for two contiguous parcels of land zoned R-1 and C-1. Together these parcels total approximately .87 acres. This site is located on the south side of Bridge Boulevard between the Atrisco Lateral and Lovato Road. The applicant anticipates developing the property with retail commercial uses. The site is currently vacant.

The site is located in the Semi Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Three (3) of the Southwest Area Plan.

**Staff Planner:** Enrico Gradi, Program Planner

**Attachments:**

1. Application
2. Land Use Map
3. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 3/22/2010 to 4/12/2010. Agency comments are verbatim and were used in preparation of this report, which being on page 10.

**AGENDA ITEM NO.: 9**  
**County Planning Commission**  
**July 7, 2010**

CSU-20100017      Nino Trujillo, agent for Giant Industries Arizona Inc, requests approval of a Special Use Permit for Specific Use for Retail Sales on Tracts 61A excluding the westerly 10', and 61B excluding the westerly 10', MRGCD Map No. 41, located at 1310 Bridge Boulevard SW and 191 Saavedra Road SW, zoned R-1 and C-1, containing approximately .87 acres. (L-13) (DEFERRED FROM THE MAY 5, 2010 HEARING)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	R-1/C-1	Vacant
<b>North</b>	C-1	Vacant/Single Family Dwelling
<b>South</b>	R-1	Multi Family Housing
<b>East</b>	R-1/C-1	Single Family Dwelling/Vacant
<b>West</b>	C-1	Commercial Uses

**BACKGROUND:**

**The Request**

The applicant is requesting a Special Use Permit for Specific Use for Retail Sales for two contiguous parcels of land zoned R-1 and C-1. Together these parcels total approximately .87 acres. This site is located on the south side of Bridge Boulevard between the Atrisco Lateral and Lovato Road. The applicant anticipates developing the property with retail commercial uses. The applicant seeks to combine the two parcels and develop the property with retail commercial uses. The site is currently vacant.

Request Justification

The applicant contends that the existing zoning is inappropriate as there have been significant changes in neighborhood conditions since the adoption of the existing R-1 zoning that justify the requested zoning and land use change.

**Surrounding Land Use and Zoning**

The subject site is currently vacant. To the west is a property zoned C-1 and contains a commercial business. The site to the north is zoned C-1 and is vacant. The land use south of the site is residential as is the area east of the site.

The most current zoning activity that have occurred in the general vicinity was the approval for a Special Use Permit for Specific Use for Retail of Automobiles & Trucks and Auto Repair (incidental to car sales) for a site located approximately 100 feet north east of the subject site (CSU 90011).

**APPLICABLE PLANS AND POLICIES:**

**Albuquerque/Bernalillo County Comprehensive Plan**

The site is within the Semi Urban Area as designated in the Comprehensive Plan. The goal in the Comprehensive Plan is to “maintain the character and identify of semi urban areas, which have environmental, social or cultural conditions limiting urban land uses.”

**Policy a** states “Development within the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre.

- 2) Develop and adopt area and sector development plans to protect local resources and community values.”

**Policy b** states “Development in semi-urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community.

- 3) Guide development through area and sector development plans, facilities plans, and Subdivision and Zoning Ordinances.”

**Policy c** states, “The following policies shall govern industrial and commercial development in Semi-Urban areas:

Mixed-use areas should protect residential uses in the area, which offering a variety of local employment opportunities.

**Southwest Area Plan (SWAP)**

This site is located within Residential Area Three of the Southwest Area Plan and on Isleta Boulevard, a segment of the historic "Camino Real".

**Policy 12** states, "Isleta Boulevard shall be recognized and treated as a historic route. Any modifications on Isleta Boulevard shall protect, rehabilitate, restore and enhance the historic, cultural and economic significance of this important segment of "Camino Real".

**Policy 14 States**, "To protect the fragile landforms and air quality in the plan area, new development or major modification to existing roads and other major public facilities shall adapt to the existing natural environment, topography, soils, vegetation, geology, and hydrology."

j) Protect cottonwood trees and other predominantly surface root water vegetation by requiring site design that preserves existing mature cottonwood trees through relocation and surfacing materials limit compaction and allow water infiltration.

**Policy 26** states, "Mixed use development within C-N and C-1 zoning shall be encouraged within historic village centers and on Isleta Boulevard between Bridge and Camino del Valle, to allow owners to reside at their place of business.

a) Permit secondary residential use in conjunction with a primary business use. Residences may be located in part of the primary business structure or behind the primary business structure."

**Policy 45** states, "Encourage the location of newly developing neighborhood scale commercial and office use to be within their defined village centers."

**Policy 46** states, "Balance economic development and quality of life for existing communities as well as for newly developed areas."

**Policy 61** states, "Encourage economic development of neighborhood character and scale along Isleta Boulevard consistent with the existing rural/urban mix.

a) Maintain current zoning for business, residential and agricultural lands along Isleta Boulevard.

**Bernalillo County Zoning Ordinance**

**Resolution 116-86** defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

## **Plans**

### **Albuquerque Bernalillo County Comprehensive Plan**

The subject site is located in the Semi Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan, Residential Area Three (3) of the Southwest Area Plan and within the Isleta Boulevard and Village Centers Sector Development Plan area.

The request appears to facilitate realization of these plans in that the request is consistent with the mixed use designation of the Semi Urban Area of the Comprehensive Plan and with the Southwest Area Plan Policy 26 that encourages mixed use development on Isleta Boulevard to allow owners to reside at their place of business. The subject property is located within the I-MU zone as identified in the Isleta Boulevard & Village Centers Sector Development Plan.

### **Southwest Area Plan (SWAP)**

**Policy 29** states that, "The City and County shall stabilize residential zoning and land use in the Plan area."

**Policy 34** states that, "Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties."

- a) Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

**Policy 45** states that, "Encourage the location of newly developing neighborhood scale commercial and office use to be within their defined village centers."

**Policy 46** states that, "Balance economic development and quality of life for existing communities as well as for newly developed areas."

**Policy 49** states that "Promote small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars with the Area economy to enhance a community environment and meet retail, recreation and service needs of Area plan residents."

**Policy 50** states that, "Emphasize job creation and expansion of employment opportunities for residents of the Southwest Area Plan."

**ANALYSIS:**

**Surrounding Land Use and Zoning**

The applicant is requesting a Special Use Permit for Retail Uses for two contiguous parcels of land zoned R-1 and C-1. The two contiguous parcels are located on the south side of Bridge Boulevard between the Atrisco Lateral and Lovato Road. The applicant seeks to combine the subject site with the adjacent parcel to the north and develop the property with retail commercial uses.

The majority of parcels that front Bridge Boulevard in this area are zoned C-1 and the parcels that are located behind the commercial parcels are largely zoned for residential uses. Initially the applicant requested a zone change for the southern parcel however due to neighborhood concern and zoning requirements that applicant has requested a Special Use Permit for both parcels.

**Plans**

This site is located in the Semi Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan which calls for maintaining the character and identify of semi urban areas. This request does not appear to be in significant conflict with the elements of the Comprehensive Plan in that the use of the subject site has existed amid this community for over 39 years and will continue to maintain the integrity and character of the surrounding environment.

This request appears to facilitate the Southwest Area Plan in that the proposed request contains access and adequate infrastructure with respect to water, sewer and roads and would provide a service that would be beneficial to the quality of life to this area of the South Valley.

**Zoning Ordinance**

This request is consistent with Resolution 116-86 of the Zoning Ordinance in that the request is not in significant conflict with the elements of the adopted plans and policies and, due to the changed neighborhood conditions, a different use category would be more advantageous to the community in providing neighborhood scale services to this part of the South Valley that is experiencing a substantial increase in residential development.

**Resolution 116-86**

Resolution 116-86 requires that the applicant demonstrate substantial neighborhood support and that unique conditions exist on this site which justifies the request. To date, the applicant has not submitted evidence of neighborhood support or an explanation identifying unique conditions on the site.

**Agency Comments**

The Public Works Division commented that if the Special Use Permit is approved, a Traffic Impact Study, additional public right-of-way and road improvements may be required at the time of subdivision or development.

### Analysis Summary

Zoning	
Resolution 116-86	The proposed Special Use Permit is not in conflict with adopted elements of the Comprehensive Plan and other adopted plans.
	A Special Use Permit may be appropriate for the area given the changed neighborhood conditions
	The applicant has not submitted evidence of neighborhood support or an explanation identifying unique conditions on the site.
Plans	
Comprehensive Plan	Consistent with Developing and Semi Urban designation for mixed uses.
Southwest Area Plan	The proposed use could balance economic development and the quality of life for existing communities as well as for newly developed areas and would not interfere with the integrity and character of the area.
Other Requirements	
Public Works Division	<p>25-feet of ROW is required by Plat. This should be measured from the centerline of the road and is required for the length of this development. Road Improvements for a 32-foot roadway will be required at the time of development. Cross-section of street will include curb, gutter and sidewalk.</p> <p>Traffic Impact Analysis is required within 60 days of approval and prior to submitting a Building Permit.</p> <p>Owner/Engineer must coordinate with new Bernalillo County's Bridge Project.</p> <p>Sidewalks, A New Bus Stop, &amp; Bikelanes are required on Bridge.</p>



### **Conclusion**

Initially the applicant requested a zone change request from R-1 to C-1 for the southern tract (61B) of land located on the southern portion of the site (CZ-20100004). Currently, Tract 61B and Tract 61A encompass the site for this Special Use Permit request. Tract 61A fronts Bridge Boulevard and is zoned C-1 which allows commercial retail uses. The adjacent parcel to the south, Tract 61B, is zoned R-1, which must be changed, either through a zone change or special use permit in order to allow commercial and retail uses.

Due to neighborhood concern and zoning requirements the applicant has requested a Special Use Permit that includes both parcels. Prior to the scheduled hearing for a zone change a neighborhood petition was submitted. The petition requested that the community have some input into the pending land use decision. These neighborhood concerns included buffering requirements, vehicular access concerns and potential preservation of existing trees on the site.

The submitted site plan is deficient in several areas. The proposed 9000 square foot building requires 45 parking spaces as per the Bernalillo County Zoning Code. The proposed site plan proposes only 27 parking spaces. The Zoning code also requires a six foot landscape buffer between commercial land uses and residential uses. The southern property boundary does not depict this requirement as the area normally reserved for a landscape buffer contains a parking area.

The Public Works Division is requiring a 25-foot of Right-of-Way along Saavedra Road on the east side of the site. This requirement results in a reduction of additional land along the eastern side of the site and the modification will require additional property be given up by the developer along the east side of the site.

In order to address the aforementioned issues a revised site plan will be required and some evidence of neighborhood support is needed. Staff has discussed this issue with the applicant but has yet to receive a revised site plan.

### **RECOMMENDATION:**

Deferral of CSU-20100017

Enrico Gradi  
Program Planner

**BERNALILLO COUNTY DEPARTMENT COMMENTS**

**Environmental Health:**

No adverse comment. Use must comply with all applicable Environmental Health codes and regulations.

**Fire:**

Approved numbers or addresses shall be placed on all new and existing building in such a position as to be plainly visible and legible from the street or road fronting the property and shall contrast with their background. Numerals shall be a minimum of 4 inches in height.

The proposed development must meet the requirements of the Bernalillo County Fire Marshal's office.

**Zoning Administrator**

The purpose of the C-1 zone is to "provide suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of nearby residential areas and to minimize any adverse effect on nearby residential development" (ref. Sec. 14.A.).

Permissive uses include residential, office, and light commercial development, such as drugstores, restaurants, retail shops, and service stations.

Granting of the proposed zone change and future development of the site will necessitate compliance with established county standards, including landscaping, parking, and density requirements.

**Zoning Enforcement Manager:**

Based on the above comments there is no adverse comments at this time.

There are no zoning violations on this property.

**Building Department Manager:** No comments.

**Public Works:**

**DRAN:**

**DRE**

Due to the amount of traffic that is typically generated by a development such as this, Public Works is requiring the following Condition of Approvals:

25-feet of ROW is required by Plat. This should be measured from the centerline of the road and is required for the length of this development. Road Improvements for a 32-foot roadway will be required at the time of development. Cross-section of street will include curb, gutter and sidewalk.

Traffic Impact Analysis is required within 60 days of approval and prior to submitting a Building Permit.

Owner/Engineer must coordinate with new Bernalillo County's Bridge Project.

Sidewalks, A New Bus Stop, & Bikelanes are required on Bridge.

Parks & Recreation:

No adverse comment

Sheriff's: No comment received

### **COMMENTS FROM OTHER AGENCIES**

MRGCOG:

No comment

AMAFCA: No comment.

City Planning Department/Development Services: No comments received.

City Open Space: No adverse comments.

Municipal Development Dept:

Transp. Planning:

No comment

Transp. Development: No adverse comments.

City Transit: No comments received.

ABCWUA/Utility Development Section: No adverse comments.

City Environmental Health: No comments received.

NM Department of Transportation

A TIA may be required for the development. The type and intensity of commercial development will dictate whether or not TIA is needed.

Albuquerque Public School:

Commercial uses will have no adverse impacts to the APS district.

PNM:

No adverse comment.

### **NEIGHBORHOOD ASSOCIATIONS:**

South Valley Alliance

COUNTY PLANNING COMMISSION

July 7, 2010

CSU-20100017

South Valley Coalition of Neighborhood Associations  
South West Alliance